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REMARKS/ARGUMENTS

Claims 1, 4, 8, and 13 have been amended. Sixteen claims remain pending in the application: Claims 1-16.

Reconsideration of Claims 1-16 in view of the amendments above and arguments below is respectfully requested.

At the outset, Applicants acknowledge with appreciation the Examiner's indication that Claims 5, 6, 14, and 15 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph.

Turning to the specific objections and rejections:

1. Claims 1-16 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claims 1 and 8 have been amended to delete reference to "shank" as objected to by the Examiner. As described by the specification and as shown in the drawings, the "shank" refers to the teeth (i.e. threads) as a collective group, i.e. the "spiral set of teeth." Therefore, no new matter has been added while the claims contain enough description to point out and distinctly claim the subject matter which Applicants regard as the invention.

2. Claims 1, 3, 8, 10, 11, and 12 stand rejected under 35 U.S.C. § 102(b), as being anticipated by U.S. Patent No. 240,780 of Smith. Applicants respectfully traverse this rejection.

U.S. Patent No. 240,780 (herein the '780 patent) differs appreciably from the present application (herein the '564 application) in that the '780 patent does not teach selective

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compliance, i.e. laterally flexible and axially stiff. The Examiner asserts that with regard to the '780 patent, "The core is disclosed as being made of wood and therefore would inherently be flexible<sup>1</sup>." Applicants respectfully submit that wood, as known to those of ordinary skill in the art, is **not more flexible than other materials, but rather is weaker than other materials**. Therefore, the wooden screw of the '780 patent may break more easily than a screw made out of another material, such as, for example, metal, but is not more flexible than another material, such as, for example, metal. For these and other reasons, a wooden screw as described by the '780 patent is not selectively compliant. That is, there is no indication that the wooden screw of the '780 patent is axially stiff, yet laterally flexible (as is claimed in the '564 application). As known by one of ordinary skill in the art, under stress a wooden screw will fail both axially and laterally, with no preference to one direction or another. Therefore, the wooden screw of the '780 patent **does not teach selective compliance nor lateral flexibility (as claimed in the '564 application)**.

Thus, Applicants submit that the '780 patent does not teach or suggest each and element of Applicants' Claims 1, 3, 8, 10, 11, and 12. Specifically, the '780 patent does not teach or suggest a fastener "laterally flexible along its length" as recited by Applicants' independent claims 1 and 8. Additionally, the '780 patent does not teach a core material having "selectively compliant core material" as claimed in independent claims 1 and 8. As Claims 3, 10, 11, and 12 depend on Claims 1 and 8, Applicants request that the present rejection be withdrawn from each of the claims 1, 3, 8, 10, 11, and 12.

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<sup>1</sup> See page 4, second paragraph of the Office Action of Feb. 2, 2004

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3. Claims 1, 2, 4, 7, 8, 13, and 16 stand rejected under 35 U.S.C. § 102(b), as being anticipated by U.S. Patent No. 2,045,757 of Constantin. Applicants respectfully traverse this rejection.

U.S. Patent No. 2,045,757 (herein the '757 patent) teaches a screw conveyor for "...conveying of materials around bends of short radii<sup>2</sup>" whereas the present application (herein the '564 application) describes a fastener having "selectively compliant core material<sup>3</sup>."

As is appreciated by one of skill in the ordinary art, a system for conveying material has a vastly different utility than a "fastener", as claimed by Applicants. Furthermore, the '757 patent makes no reference to coupling and/or tightening materials as taught by the '564 application. Furthermore, as with the '780 patent, there is no indication in the '757 patent that the screw conveyor is selectively compliant, i.e. laterally flexible and axially stiff.

Thus, Applicants submit that the '757 patent does not teach or suggest each and element of Applicants' Claims 1, 2, 4, 7, 8, 13, and 16. Specifically, the '757 patent does not teach or suggest a "fastener" as recited by Applicants' independent claims 1 and 8. Additionally, the '780 patent does not teach a core material having "selectively compliant core material" as claimed in independent claims 1 and 8. As Claims 2, 4, 7, 13, and 16 depend on Claims 1 and 8, Applicants request that the present rejection be withdrawn from each of the claims 1, 2, 4, 7, 8, 13, and 16.

By way of this amendment, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that

<sup>2</sup> See Column 1, line 5-6 of the '757 patent

<sup>3</sup> See Claims 1 and 8 of the '564 application

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Examiner telephone Thomas Lebens at (805)781-2865 so that such issues may be resolved as expeditiously as possible.

In view of the above, Applicants submit that Claims 1-16 are now in condition for allowance, and prompt and favorable action is earnestly solicited.

Respectfully submitted,

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